

REMARKS

1. Status of claims

After entry of the above amendment, claims 1-10 and 12-35 are pending.

2. Support for amendment

Claim 11 was canceled in response to the Examiner's objection addressed at paragraph 4 below. No new matter has been added by this amendment.

3. Claim rejections under 35 U.S.C. §103

Claims 1-10 and 12-35 are rejected under 35 U.S.C. §103(a) as being unpatentable over Rodgers *et al.*, U.S. Pat. No. 6,517,776 ("Rodgers"); Cai *et al.*, U.S. Pat. No. 6,527,976 ("Cai"); or Jerdee *et al.*, U.S. Pat. No. 6,333,087 ("Jerdee"). Applicants point to the Declaration of Anne Ebbesen ("the Declaration") attached hereto, and respectfully traverse this rejection.

On their faces, Rodgers qualified as prior art under 35 U.S.C. §102(e) as being filed on November 3, 2000, prior to the present application's filing date of December 22, 2000, and Cai qualified as prior art under 35 U.S.C. §102(e) as being filed on November 27, 2000, prior to the present application's filing date of December 22, 2000.

With respect to claim 1, the Declaration and the cited passages in Exhibit 1 thereof show that the inventors reduced to practice, in a World Trade Organization country after January 1, 1996 and before November 3, 2000, a method of initiating oxygen scavenging comprising the steps recited by claim 1. Specifically, a surface of an OSP film was wetted with a peroxide solution, exposed to an initiating factor (in this experiment, UV light and heat), and placed in contact with the contents of a packaging article, *i.e.*, the wetted surface of the OSP film formed at least part of the interior surface of the packaging article. Results of the method were also

observed. Therefore, the invention as presently claimed was reduced to practice before November 3, 2000. Neither Rodgers nor Cai was filed before the present invention was made by Applicants, and thus, these references cannot be prior art under 35 U.S.C. §102(e) against the present invention.

For this reason, Applicants submit this rejection should be withdrawn.

4. Claim objections

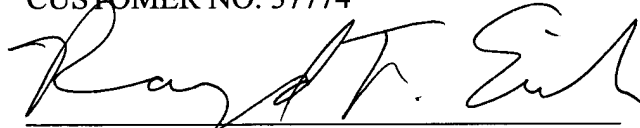
Claim 11 is objected to as failing to further limit the subject matter of a previous claim. As part of the above amendment, claim 11 is cancelled, and thus the basis for the objection has been removed.

5. Final remarks

In conclusion, Applicants submit that all pending claims 1-10 and 12-35 are in condition for allowance. The Examiner is invited to contact the undersigned patent agent at (713) 934-4065 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

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